

REMARKSStatus of the Application

Claims 1-7 and 9-20 are pending. All pending claims stand rejected.

Section 112 Rejection

Claim 14 has been amended in response to the rejection.

Section 102 RejectionsClaims 1, 5, 6 and 9

Claims 1, 5, 6, and 9 have been rejected under 35 U.S.C. Section 102 as being anticipated by Sheffer U.S. Patent No. 4,638,745. In response, applicants have amended claim 1 to include the following four limitations not taught by Sheffer.

First, amended claim 1 now requires that the spacer sleeves be "separate" from the support posts, which Sheffer does not teach. Sheffer's spacer sleeve ("lower zone 80") and support posts ("upper zone 90") are integrally formed from the same sheet of material, as shown in Sheffer Fig. 1. Support for applicant's amendment can be found, among other places, in Figure 16, which shows a support post 18 and a spacer sleeve 16 separate from the support post 18.

Second, amended claim 1 now requires that the support posts extend inside more than one spacer sleeve, which Sheffer does not teach. Sheffer teaches that each support post ("upper zone 90") extends inside only one spacer sleeve ("lower zone 80"), as indicated at Sheffer col. 3, lines 34-39. Support for applicant's amendment can be found at paragraph 0033 and Fig. 10.

Third, amended claim 1 now requires that the support posts extend through two or more tray openings to lock the trays together. This limitation is supported in the specification as filed at paragraph 0033. Even if the upper portion (90) of Sheffer's legs (10) were considered to be support posts as the examiner suggests, Sheffer teaches that these upper portions 90 extend

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through only a "second leg" (col. 3, lines 34-39).

Fourth, amended claim 1 now requires that the spacer sleeves and the support posts are preformed paper tubes, which is not taught by Sheffer. Preformed paper tubes are paper tubes that are preformed into their final shape during manufacture. They are shipped as formed tubes, thus making it easy to construct the claimed packaging system. They are not shipped flat. Support for this limitation is found in the specification at, among other places, paragraphs 0031 and 0032, which state that the spacer sleeves and support posts "may be wound paper tubes such as those manufactured by Sonoco Products Company. By contrast, Sheffer teaches a post that is shipped flat (col. 2, lines 48-50) and then assembled later.

In further response to the rejection in view of Sheffer, applicant notes that the present invention is intended to provide vertical stacking strength to a packaging system so that multiple pallet units can be stacked on top of each other. The packaging system is both a transport device and a display device. See specification at paragraph 0008. The Sheffer stand, by contrast, is more of a display stand only.

Applicants submit that with these amendments claims 1, 5, 6, and 9 are now allowable.

Claim 13

Claim 13 has been rejected under 35 U.S.C. Section 102 as being anticipated by Lamson U.S. Patent No. 4,673,092.

In response, applicants have amended claim 13 to include the following limitation not taught by Lamson. Amended claim 13 now requires that the inner support posts extend through

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two or more vertically aligned upper tray openings. Lamson, by contrast, teaches an assembly in which the inner posts (14) extend into (not actually through) only one tubular portion 18.

In further response, applicants assert that elements (18) in Lamson are not tray "openings" as required in applicants' claim 13 because they are closed or plugged by plugs (18) (col. 3, lines 24-29 and Fig. 5).

#### Section 103 Rejections

##### Claims 2, 7, 10 and 11

Claims 2, 7, 10 and 11 have been rejected under Section 103 as being unpatentable over Sheffer. Applicants respectfully submit that these claims are allowable for at least the same reasons as their base claim, amended claim 1.

##### Claims 3 and 4

Claims 3 and 4 have been rejected under Section 103 as being unpatentable over Sheffer in view of Pigott et al US 5,251,753. Applicants respectfully submit that claims 3 and 4 are allowable for at least the same reasons as their base claim, amended claim 1.

##### Claim 12

Claim 12 has been rejected under Section 103 as being unpatentable over Sheffer in view of Brush 6,267,255. Applicants respectfully submit that this claim is allowable for at least the same reasons as its base claim, amended claim 1.

##### Claims 14-20

Claims 14-20 have been rejected under Section 103 as being unpatentable over Lamson in

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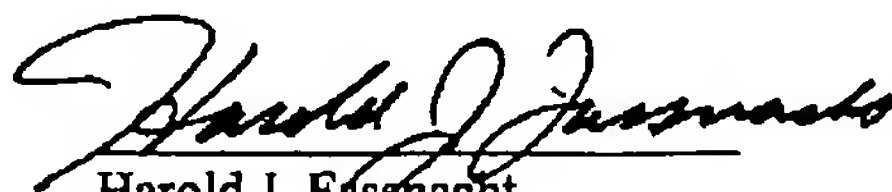
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view of Sheffer and Tanaka JP7276543. Applicants respectfully submit that these claims are allowable for at least the same reasons as their base claim, amended claim 13.

Summary

It is believed that this paper constitutes a complete response to the Office Action mailed August 23, 2005, and an early and favorable action allowing claims 1-7 and 9-20 is respectfully requested. The Examiner is invited to telephone applicants' undersigned attorney if any unresolved matters remain.

Respectfully submitted,

  
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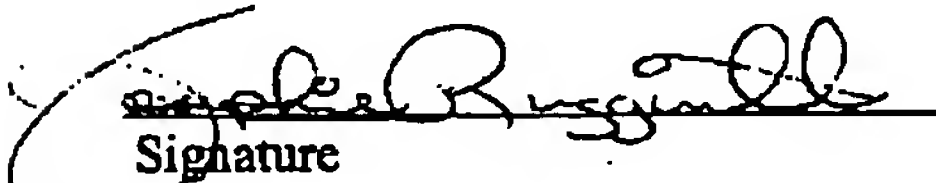
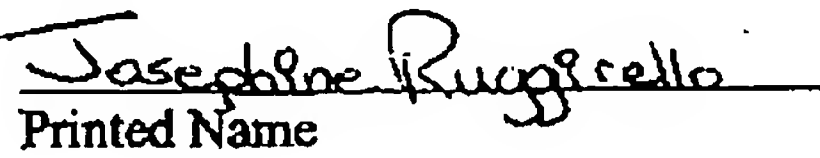
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